

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

FRANK J. RAGEN

Docket No. FJR001U

Serial No. 09/312,260

Filed: May 3, 2000

For: Baby Support Wrap



GROUP ART UNIT: 3628

Examiner: Conley, Fredrick

09/832,743

Commissioner of Patents and Trademarks

Washington, D.C. 20231

RESPONSE TO OFFICE ACTION

This is in response to the Office Action dated July 20, 2000.

IN THE SPECIFICATION:

At page 5, line 22, after "system.", insert --Support pad 102 is of generally planar construction and of a selected thickness so as to be flexible.--

IN THE CLAIMS:

1. (Amended) A baby support comprising:

(a) a piece of fabric, the fabric sized to substantially encapsulate a baby, the fabric having attached thereto means for receiving a support pad; [and]

(b) [a]the support pad of uniformly planar construction [positioned adjacent to the fabric]sized to support the head and back of a baby; and

wherein when the support pad is inserted in the means for receiving the support pad, the support pad provides support for a baby's head and back when the fabric is wrapped about the baby.

2. (Amended) The baby support of Claim 1[, further] wherein the means for receiving a support pad comprises[ing] a piece of material secured to the fabric about the periphery of the piece of material so as to form a pouch, said pouch configured to receive the

support pad therein so as to maintain the support pad in a desired position with respect to the fabric.

3. (Amended) The baby support of Claim 1[, further] wherein the means for receiving a support pad comprises[ing] a cover for receiving the support pad, the cover detachably affixable to the fabric, the cover having an access for inserting and removing the support pad.

4. (Amended) The baby support of Claim 1[3,] wherein the [cover has an opening allowing the support pad to be inserted and removed from the cover] fabric further comprises means for securing the fabric about the baby.

5. (Amended) The baby support of Claim 3, wherein the cover is detachably affixed to the fabric by means of[additionally comprising]:

- (i) at least one complementary part of a snap connected to the cover; and
- (ii) at least one [receiving]opposing complementary part of a snap connected to the fabric which engages the at least one snap on the cover, so as to attach the cover to the fabric.

6. (Amended) The baby support of Claim 3, wherein the cover is detachably affixed to the fabric by means of[additionally comprising:] a complementary pair of strips consisting of one strip of fabric of small hooks that sticks to a corresponding strip of small loops, [at least one strip of] commonly known as Velcro®, and wherein at least one strip is connected to the cover; and at least one complementary [receiving]strip [of Velcro]is connected to the fabric, and whereby the cover is affixed to the fabric by [which] engaging[es] the at least one strip[of Velcro] on the cover [so as to attach the cover] to the complementary strip on the fabric.

7. (Amended) The baby support of Claim 3 wherein the cover is detachably affixed to the fabric by means of[additionally comprising:] a complementary pair of zipper strips, wherein at least one zipper strip is connected to the cover[;] and at least one complementary[a receiving] zipper strip is connected to the fabric, and whereby the cover is affixed to the fabric by [which] engaging[es] the zipper on the cover with the complementary zipper on[so as to attach the cover to] the fabric.

8. (Amended) The baby support of Claim 4[1] wherein the means for securing the fabric about the baby[, further]comprises[ing]:

- (i) at least one complementary part of a snap located on a first side of the fabric; and
- (ii) at least one [receiving] opposing complementary part of a snap located on a second side of the fabric in a configuration such that when the fabric is wrapped about the baby the at least one snap engages the at least one [receiving]opposing complementary part of the snap, securing the fabric[in position].

9. (Amended) The baby support of Claim 4[1], wherein the means for securing the fabric about the baby [further]comprises[ing:] a complementary pair of strips consisting of one strip of fabric of small hooks that sticks to a corresponding strip of small loops, [at least one strip of] commonly known as Velcro®, and wherein at least one strip is located on a first side of the fabric; and at least one complementary [receiving]strip of [Velcro]is located on a second side of the fabric in a configuration such that when the fabric is wrapped about the baby the at least one strip[of Velcro] is engagable[es] with the at least one complementary[receiving] strip [of Velcro]securing the fabric[in position].

12. (Amended) The[A] baby support of Claim 1, wherein the resilient support pad is constructed from a memory-foam material[comprising:

a piece of fabric;
a support pad;
means for maintaining the support pad in a desired position with respect to the fabric such that when the fabric is wrapped about a baby the support pad provides support for a baby's head and back].

Cancel claims 13-21.

22. (Amended) A baby support comprising:

- (a) a blanket, the blanket sized to encapsulate a baby, the blanket having attached thereto means for receiving a resilient support pad in a desired position with respect to the blanket; [and]

(b) [a]the resilient support pad of uniformly planar construction[positioned adjacent to the blanket]sized to support the head and back of a baby, the profile of the support pad broader than the baby and substantially the same length as the baby; and

wherein when the support pad is inserted in the means for receiving the support pad, the support pad provides support for a baby's head and back when the blanket is secured [wrapped] about the baby[and wherein the profile of the resilient support pad is broader than the baby and substantially the same length as the baby].

23. (Amended) The baby support of Claim 22, wherein the resilient support pad [comprises] is constructed from a memory-foam material[Tempur-Pedic foam].

24. (Amended) The baby support of Claim 22[, additionally] wherein the means for receiving a support pad comprises[ing] a piece of material secured to the blanket about the periphery of the piece of material so as to form a pouch, said pouch configured to receive the support pad therein[so as to maintain the support pad in a desired position with respect to the blanket].

25. (Amended) The baby support of Claim 22[, further] wherein the means for receiving a support pad comprises[ing] a [support pad]cover for receiving[conformed to receive] the support pad, the cover detachably affixable to the fabric, the cover having access means for inserting and removing the support pad[such that the support pad is inserted into the cover, and maintaining the cover in a desired position on the blanket].

Cancel Claim 26.

27. (Amended) The baby support of Claim 25[6], wherein the cover is detachably affixed to the fabric by means of[for maintaining the cover in a desired position on the blanket comprises]:

- (i) at least one complementary part of a snap connected to the cover; and
- (ii) at least one [receiving] opposing complementary part of a snap connected to the fabric which engages the at least one complementary snap on the cover, so as to attach the cover to the fabric.

28. (Amended) The baby support of Claim 25, wherein the cover is detachably affixed to the blanket by means of [for maintaining the cover in a desired position on the blanket comprises:] a complementary pair of strips consisting of one strip of fabric of small hooks that sticks to a corresponding strip of fabric of small loops, [at least one strip of] commonly known as Velcro®, and wherein at least one strip is connected to the cover; and at least one complementary [receiving]strip of Velcro]is connected to the blanket, and whereby the cover is affixed to the fabric by [which] engaging[es] the at least one strip[of Velcro] on the cover [so as to attach the cover] to the complementary strip on the blanket.

29. (Amended) The baby support of Claim 25, wherein the cover is detachably affixed to the blanket by means of [for maintaining the cover in a desired position on the blanket comprises:] a complementary pair of zipper strips, wherein at least one zipper strip is connected to the cover[;] and at least one complementary[receiving] zipper strip is connected to the blanket, and whereby the cover is affixed to the blanket by [which] engaging[es] the zipper on the cover with the complementary zipper on[so as to attach the cover to] the blanket.

30. (Amended) The baby support of Claim 22, further comprising:

- (i) at least one complementary part of a snap located on a first side of the fabric;
and
- (ii) at least one [receiving]opposing complementary part of a snap located on a second side of the fabric in a configuration such that when the fabric is wrapped about the baby the at least one snap engages the at least one [receiving] opposing complementary snap so as to secure the blanket about the baby.

31. (Amended) The baby support of Claim 22, further comprising:

a complementary pair of strips consisting of one strip of fabric of small hooks that sticks to a corresponding strip of fabric of small loops, [at least one strip of] commonly known as Velcro®, and wherein at least one strip is located on a first side of the fabric; and at least one complementary [receiving]strip of [Velcro]is located on a second side of the

blanket which is engagable[es] with the at least one strip [of Velcro]on the first side of the blanket so as to secure the blanket about the baby.

Cancel claims 32 through 40.

41. (Amended) A baby support system comprising:

(a) a first support structure configured to be wrapped about a baby, the first support structure having attached thereto means for receiving a second support structure; and

(b) the[a] second support structure, of uniformly planar construction, [positioned with respect to the first support structure in a configurations] such that when the second support structure is inserted in the means for receiving the second support structure, and the first support structure is wrapped about the baby, the second support structure is located [in proximity to at least the head and back of a baby,] so as to provide support to the head and back [when] of the baby[is being carried or held or laying].

45. (Amended) The baby support of Claim 41, wherein the resilient support pad [comprises] is constructed from a memory-foam material[Tempur-Pedic foam].

Add the following new Claims 46-53.

46. A baby support comprising:

(a) a blanket, the blanket sized to encapsulate a baby, the blanket having attached thereto means for receiving a support pad of resilient, memory-foam material, the means for receiving the support pad configured so as to maintain the support pad in a desired position with respect to the blanket;

(b) the support pad of uniformly planar construction sized to support the head and back of a baby, the profile of the resilient support pad broader than the baby and substantially the same length as the baby; and

wherein when the support pad is inserted in the means for receiving the support pad, the support pad provides support for a baby's head and back when the blanket is secured about the baby.

47. The baby support of Claim 46 wherein the means for receiving a support pad comprises a piece of material secured to the blanket about the periphery of the piece of

material so as to form a pouch, said pouch configured to receive the support pad therein.

48. The baby support of Claim 46 wherein the means for receiving a support pad comprises a cover for receiving the support pad, the cover detachably affixable to the fabric, the cover having access means for inserting the support pad.

49. The baby support of Claim 48, wherein the cover is detachably affixed to the fabric by means of:

- (i) at least one complementary part of a snap connected to the cover; and
- (ii) at least one opposing complementary part of the snap connected to the fabric which engages the at least one complementary snap on the cover, so as to attach the cover to the fabric.

50. The baby support of Claim 48, wherein the cover is detachably affixed to the blanket by means of a complementary pair of strips consisting of one strip of fabric of small hooks that sticks to a corresponding strip of fabric of small loops, commonly known as Velcro®, and wherein at least one strip is connected to the cover, and at least one complementary strip of Velcro® is connected to the blanket, and whereby the cover is affixed to the fabric by engaging the at least one strip of Velcro® on the cover to the complementary strip on the blanket.

51. The baby support of Claim 48, wherein the cover is detachably affixed to the blanket by means of a complementary pair of zipper strips, and wherein at least one zipper strip is connected to the cover and at least one complementary zipper strip is connected to the blanket, and whereby the cover is affixed to the blanket by engaging the zipper on the cover with the complementary zipper on the blanket.

52. The baby support of Claim 46, further comprising:

- (i) at least one complementary part of a snap located on a first side of the blanket; and
- (ii) at least one opposing complementary part of the snap located on a second side of the fabric in a configuration such that when the fabric is wrapped about the baby

the at least one snap engages the at least one opposing complementary snap so as to secure the blanket about the baby.

53. The baby support of Claim 46, further comprising a complementary pair of strips consisting of one strip of fabric of small hooks that sticks to a corresponding strip of fabric of small loops, commonly known as Velcro®, and wherein at least one strip is located on a first side of the fabric; and at least one complementary strip of Velcro® is located on a second side of the blanket which is engagable with the at least one strip of Velcro ® on the first side of the blanket so as to secure the blanket about the baby.

REMARKS

The addition to the specification is supported at page 6, line 9, and by Figs. 3 & 4. Independent claims 1, 22, and 41 are amended to include limitations not disclosed in the prior art. Such amendments are supported in the specification at page 6, line 9, and by Figs. 3 & 4. Claims 13-21, 26, and 32-40 have been cancelled, and new claims 46-53 added. The newly added claims do not add any elements not presented in the preceding amended claims.

Rejection of claims 6, 9, 16, 21, 28, and 31 under 35 U.S.C. §112.

Claims 6, 9, 21, 28, 31, 37, and 40 have been modified to amend the reference to a tradenamed product, Velcro®, and a functional description of the trademarked product is included therewith.

Rejection of claims 1-4, 6, 9, 22, 24-26, 28, 31 and 43 under 35 U.S.C. §102(b) as being anticipated by U.S. Pat. No. 5,551,108 to Butler.

Analysis of U.S. Patent No. 5,551,108 to Butler.

Butler discloses a combination for placing a baby on a flat surface such that the baby cannot roll out of the combination when secured within the combination. The disclosure of Butler comprises an infant cushion and fabric cover combination, including an integrated blanket, with the cushion placed inside a fabric cover. The cushion has elevated edges on three sides forming an area for receiving the baby wherein when the baby is placed within the receiving area, the baby cannot roll off, or out of, the cushion. Butler also discloses a blanket adjacent to the fabric cover that can be placed over the trunk and legs portion of the baby, and secured to the sides of the fabric cover.

Butler does not disclose or suggest a fabric encapsulating a substantially planar support pad. Nor does Butler disclose a resilient, memory-foam support pad that adjusts to the coutour of the baby.

Rejection of Claims 1, 22 and 41 under 35 U.S.C. §102(b) as being anticipated by U.S. Pat. No. 5,551,108 to Butler.

Applicant respectfully traverses the rejection of Claims 1, 22 and 41 to the extent such rejection applies to newly amended claims 1, 22 and 41. Butler does not disclose a substantially planar cushion. The cushion of Butler includes a raised outer edge, substantially perpendicular to the surface on which the baby is placed. Butler relies on this perpendicular, raised edge to maintain the baby in the combination cushion and cover of Butler (see column 3, lines 34-41). This is the only discussion in Butler relating to the shape of the cushion, and it is consistent with every drawing of the cushion. This limitation is nowhere appears in the independent claims of Applicant.

Rejection of claims 2, 3, 4, 6, 9, 24, 25, 28, 31, 42 and 43 under 35 U.S.C. §102(b) as being anticipated by U.S. Pat. No. 5,551,108 to Butler.

Applicant respectfully traverses the rejection of claims 2, 3, 6, 9, 24, 25, 28, 31, 42 and 43. Applicant believes such claims are allowable of their own merits, however, claims 2, 3, 6 and 9 are dependant on newly amended independent claim 1, claims 24, 25, 28 and 31 are dependant on newly amended independent claim 22, and claims 42 and 43 are dependant on newly amended independent claim 41, each of which independent claim is now considered by Applicant to be in condition for allowance. Since the independent claims 1, 22 and 41 are not anticipated by Butler, the combination of claims 1, 2, 3, 6 and 9, the combination of claims 22, 24, 25, 28 and 31, and the combination of claims 41, 42 and 43 cannot be found to be anticipated by Butler, and therefore such dependent claims are in deemed to be in condition for allowance.

Rejection of claims 5, 7, 8, 10, 11, 12, 23, 27, 29, 30, 44 and 45 under 35 U.S.C. §103)(a) as being unpatentable over U.S. Pat. No. 5,551,108 to Butler.

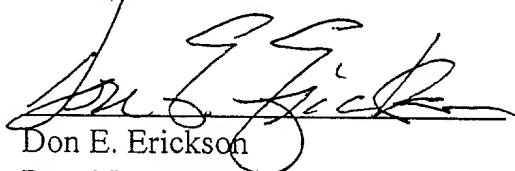
Newly amended independent claims 1, 22 and 41 cannot be found to be unpatentable as obvious over Butler since Butler does not disclose a planar cushion, but in fact, teaches away from the use of such a planar cushion (see column 3, lines 34-41) in order to secure the infant in the combination cushion and cover. Butler teaches that the raised perimeter of his cushion is necessary to restrain a baby on his cushion/cover combination. Therefore, claims 1, 22, and 41 are deemed by Applicant to be in condition for allowance. Claims 5, 7, 8, 10 and 11 are dependant on independent claim 1, claims 23, 27, 29 and 30 are dependant on independent claim 22, and claims 44 and 45 are dependant on independent claim 41, each of which independent claim is now considered by Applicant to be in condition for allowance. Since the independent claims 1, 22 and 41 are not unpatentable as obvious over Butler, the combination of claims 1, 5, 7, 8, 10 and 11, the combination of claims 22, 23, 27, 29 and 30, and the combination of claims 41, 44 and 45 cannot be found to be unpatentable as obvious over Butler, and therefore, such dependent claims are deemed to be in condition for allowance.

Conclusion.

Independent claims 1, 22 and 41 have been amended to include a limitation not disclosed by U.S. Patent No. 5,551,108 to Butler. Butler never disclosed, either expressly or inherently, that a planar cushion can be used in his cushion and cover combination. In fact, Butler teaches away from using a planar cushion at column 3, lines 34-41, wherein the use of the perpendicular sides of the cushion are critical for maintaining an infant on the cushion.

Reconsideration and allowance of the claims are respectfully requested for the reasons set forth hereinabove. If there are any issues that may be resolved by telephone the Examiner is requested to contact Applicant's representative at the telephone number below.

Respectfully submitted by,



Don E. Erickson

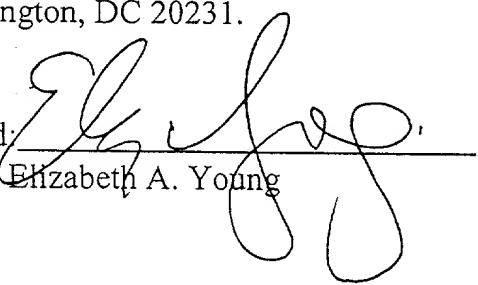
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Signed:


Elizabeth A. Young

Date of Signature: October 20, 2000